

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, December 20, 2017
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 15, 2017.
4. Presentation of: Conceptual Planned Unit Development for Bonovich Properties, LLC, located on Egg Harbor Road.
5. Consideration of: Accessory Building Height Code.
6. Consideration of: Setbacks for Driveway and Parking Areas.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members:

Rick Wiesner – Chair
Ron Vandertie
Mike Gilson
Steven Hurley
Jeff Norland
Robert Starr
Dennis Statz

12/14/17
2:00 p.m.
CN

CITY PLAN COMMISSION
Wednesday, November 15, 2017

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairperson Rick Wiesner in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Jeff Norland, Rick Wiesner, Robert Starr, Ron Vandertie, and Dennis Statz were present. Excused: Members Mike Gilson and Steven Hurley. Also present were City Engineer Chad Shefchik, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of the Agenda: Moved by Mr. Norland, seconded by Mr. Statz to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 20, 2017.
4. Consideration of: Accessory Building Height Code.
5. Consideration of: Setbacks for Driveway and Parking Areas.
6. Adjourn.

Carried.

Approval of minutes from September 20, 2017: Moved by Mr. Starr, seconded by Mr. Statz to approve the minutes from September 20, 2017. All ayes. Carried.

Consideration of: Accessory Building Height Code: Mr. Sullivan-Robinson stated that at a recent Zoning Board of Appeals meeting there was an issue with height of an accessory building. ZBA members thought that the code should be revisited. The code allows up to 14 feet in height. The maximum height is increased to 24 feet if the roof pitch and sidewalls match the principle building.

Staff researched other community codes. Sturgeon Bay has the most restrictive code.

Mr. Olejniczak mentioned that if the Commission was interested in changing the code, staff can come back to a future meeting with language to revise the code.

Mr. Starr advised not to allow something that really looks out of place, such as too tall for the neighborhood.

It was the consensus of the Plan Commission for staff to come back with options.

Consideration of: Setbacks for Driveway and Parking Areas: Mr. Sullivan-Robinson stated that this item is also related to the recent Zoning Board of Appeals meeting. The applicant's driveway was located on the property line. It was also requested by the ZBA to have the Plan Commission revisit this code to see if there should be a setback for driveways. There was a concern regarding the gravel from an unpaved driveway going onto the neighboring lot. Another concern is where the snow would be stored.

In 2009, the Plan Commission assessed a setback to large commercial lots of 20 cars or more.

Mr. Starr thought that a 3-foot to 4-foot setback would be reasonable.

Mr. Olejniczak suggested an option of requiring the driveway to be paved if there is less than a 3-foot to 4-foot setback.

Other concerns included swinging into a side-loaded garage, occupants storing their camper, etc., on the side of the house, or if there would be more than three inches of snow where it would be stored.

Mr. Wiesner suggested basing the setback on the width of the lot.

It was the consensus of the Plan Commission for staff to come back to a future meeting with options.

Adjourn: Moved by Mr. Starr, seconded by Mr. Norland to adjourn. All ayes. Carried.
Meeting adjourned at 6:29 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Cheryl Nault".

Cheryl Nault
Community Development/Building Inspection Secretary



MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson 
Date: December 12, 2017
Subject: Consideration of Conceptual PUD for Bonovich Properties, LLC

Bonovich Properties, LLC is initiating a Planned Unit Development (PUD) to construct a 64-unit multiple-family development project on the formerly known Krueger Implement property, located off of Egg Harbor Road. A location Map is within your packet.

The property is mainly zoned as R-4 with the extreme south partially zoned C-1. Within that zoning classification, multi-family dwellings are a permitted use and within the C-1, they are a conditional use. However, S. 20.24(3)(d)(1) of municipal code states *PUD approval is required for any multiple-family residential development which contains 25 or more dwelling units on a single lot, whether in one building or more than one building.* Because this project consists of more than 60 units the PUD process must be used.

The first formal step in the PUD process is a conceptual review via informal discussion with the Plan Commission. This step allows for the applicant to provide an overview of the project and for the Plan Commission to provide constructive feedback in order to proceed to preliminary review. There is no action required from the Plan Commission during conceptual review.

In the process of reviewing the conceptual plan, a few items were found that should be considered.

1. The City has a plan to extend Alabama Place to North 12TH Place along the north property line of the subject property. In case the City plans on extending this road, should an agreement be made to connect the driveway to Alabama Place? The City and developer should consider the impact of the potential street extension when discussing architecture and road access.
2. The next notable item is signage. If there is intent to place a sign at the driveway adjacent to Egg Harbor Road, the PUD will need to address that due to the inability to meet the interior lot line setback for the sign.
3. A preliminary Certified Survey Map (CSM) has been submitted for the division of the subject property. The CSM's approval is subject to the approval of the PUD because the flag shaped lot does not meet lot width requirement under Chapter 27 Subdivision and Platting Code.

Bonovich Properties, LLC has requested to follow the combined preliminary/final PUD procedure for the next phases of the PUD process. Within our PUD code this is permitted, but requires approval of the Plan Commission at the time of conceptual review. Hence, a decision is needed from the Commission at this meeting.

CITY OF STURGEON BAY PLANNED UNIT DEVELOPMENT APPLICATION

Date Received: <u>12/8/17</u>
Fee Paid \$ _____
Received By: <u>CSR</u>

Application For: Conceptual ☐ Preliminary ☐ Final ☐ Combined Preliminary/Final ☒
 Note: There are different requirements for each of the above processes. A separate application is required for each.

NAME OF PROPOSED PLANNED UNIT DEVELOPMENT: <u>name is TBD</u>		
	APPLICANT/AGENT	LEGAL PROPERTY OWNER
Name <u>BRIAN &</u>	<u>SARAH BONOVICH</u>	<u>Nicolet Bank - under contract</u>
Company	<u>BONOVICH PROPERTIES LLC</u>	
Street Address	<u>3329 WOODED LN</u>	
City/State/Zip	<u>BAILEYS HARBOR, WI 54202</u>	
Daytime Telephone No.	<u>920-559-6455</u>	
Fax No.		
STREET ADDRESS(es) OF SUBJECT PROPERTY: <u>REAR OF 1026</u> Location if not assigned a common address: <u>KRUEGER PROPERTY on FH RD.</u>		
TAX PARCEL NUMBER(s): <u>PART OF 281-62-10000105</u>		
AREA OF SUBJECT PROPERTY AND NO. OF LOTS: <u>6.5 ACRES</u>		
CURRENT ZONING CLASSIFICATION: <u>R-4/C-1</u>		
CURRENT USE AND IMPROVEMENTS: <u>vacant</u>		
COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: <u>R-4 multi fam housing</u> <u>Commercial or Mixed Residential</u>		
WOULD APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT CONFORM WITH THE COMPREHENSIVE PLAN? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Explain: _____		

PLEASE IDENTIFY SPECIFIC PROPOSED LAND USES. USES MUST IDENTIFY AND CORRESPOND TO A PARTICULAR LOT, LOCATION, BUILDING, ETC. Construction of (4) 16-unit apartment buildings and (4) 16-unit detached single car garages.

CURRENT USE AND ZONING OF ADJACENT SURROUNDING PROPERTIES:

North: R-1 - Vacant
South: C-1 - Vacant
East: R-4? - Vacant
West: R-3/PUD - Single Family Homes

COMPREHENSIVE PLAN DESIGNATION OF ADJACENT SURROUNDING LAND USES:

North: Single Family Residential - Lower Density
South: Community Commercial
East: Commercial or Mixed Residential / Community Commercial
West: Single Family Residential Lower Density

IS ANY VARIANCE FROM COMPREHENSIVE PLAN, SUBDIVISION ORDINANCE, OR ZONING ORDINANCE BEING REQUESTED? If yes, describe:

Yes creation of "Flag lot" with less than required lot width as measured at the street yard.

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN:

Attach an 11" X 17" detailed site plan (if site plan is larger than 8-1/2" x 11", also include 20 copies folded to 8-1/2" X 11"), full legal description (preferably on disk), location map with site boundaries marked, proof of ownership, and Agreement for Reimbursement of expenses. Site or plot plan shall include dimensions of property, structures, building elevations, proposed site improvements, signature of person who drew plan, etc.

NICOLET BANK - OFFER TO PURCHASE CONTINGENT ON PUD ^{APPROVAL}
Property Owner (Print Name) Signature Date

SARAH BONOVICH
Applicant/Agent (Print Name)

Signature

12/10/17
Date

I, S. BONOVICH, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

11/27/17
Date of review meeting

Applicant Signature

Staff Signature

Doneff Associates PUD



0 70 140 280 420 560 Feet

Oblique View



© 2015 Pictometry

04/25/2015

Martin Olejniczak, AICP
Community Development Director
421 Michigan Street
Sturgeon Bay, WI 54235



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Website: www.sturgeonbaywi.org

MEMO

To: City Plan Commission
From: Marty Olejniczak, Community Development Director *M.O.*
Date: December 13, 2017
Subject: Proposed Amendment Regarding Height of Accessory Building

Currently, the City of Sturgeon Bay allows a building that is accessory to a single-family dwelling or two-family dwelling to be up to 14 feet in height. The max height can be increased up to 24 feet subject to certain standards. The Plan Commission agreed to consider potential changes to the height requirements. The issues are that 14 feet might be too restrictive for the general standard and the requirements under the other method are confusing and conflicting.

The attached proposal is loosely based upon the County's ordinance for accessory building height. The amendment keeps the two options for maximum height, but the standards are somewhat revised. Here are the highlights:

1. The general method increases the max height to 16 feet. This matches the County and some of the other nearby communities. There would be no extra requirements if the height is 16 feet or less. The Plan Commission could decide to use a different height or keep it at the current 14 feet.
2. The alternative method keeps the max height at 24 feet or the height of the dwelling, whichever is less. This is same as current standard.
3. The alternative method is more flexible on the requirement to match the roof pitch to the dwelling by allowing it to be slightly flatter or steeper. But, it makes it clear that it must match the primary roof pitch of the house (unlike current language).
4. The alternative method simplifies the side wall height requirement by basing it on the side wall height of the dwelling rather than on other factors.
5. The alternative method adds a new requirement to increase the side yard or rear yard for the taller structures. The larger accessory building may have a greater impact on adjoining parcels and, hence, the larger setback could mitigate that. But, the minimum side or rear setback would not increase beyond what is required for the dwelling.

The Plan Commission should consider the proposal. It can recommend adoption of the proposal, it can request changes to the proposal, or it can decide to make no changes and drop the issue altogether.

20.29 - Accessory building height and area regulations—Single-family dwellings and two-family dwellings.

Accessory building regulations, for single-family dwellings and two-family dwellings, shall be as follows:

- ~~(1) *Height.* The height of an accessory building shall not exceed 14 feet, measured from the finished grade to the highest point of the roof, unless all of the following conditions are met:~~
 - ~~(a) In cases where the construction of the accessory building's roof pitch match that of the principal building, then the maximum building height shall not exceed 24 feet and the eave side walls shall not exceed 14 feet. The accessory building's roof pitch shall not be flatter than~~
 - ~~(b) The overall building height may equal, but shall not exceed the height of the principal building.~~
 - ~~(c) The maximum height of the eave sidewall shall not exceed ten feet on structures 1,000 square feet or less and structures more than 1,000 square feet shall be limited to 16 feet.~~
- (1) *Height.* The maximum height of an accessory building shall be determined by either of the following methods:
 - (a) General method. The accessory building shall not exceed 16 feet, measured from the finished grade to the highest point of the roof.
 - (b) Alternate method. The accessory building may exceed 16 feet, provided all of the following requirements are met:
 - 1. The height of the accessory building shall not exceed 24 feet or the height of the principal building, whichever is less.
 - 2. The pitch of the largest roof element of the accessory building shall not be steeper than 1 unit in 12 units more than the pitch of the largest roof element of the principal building and no flatter than 1 unit in 12 units less than the pitch of the largest roof element of the principal building.
 - 3. The eave side wall height of the accessory building shall not exceed the height of the highest side wall height of the principal building.
 - 4. The required side and rear yards shall be increased by one foot for each foot of additional height above 16 feet provided, however, that the required side and rear yards shall not be increased above that required for the principal building.



MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson 
Date: December 14, 2017
Subject: Driveway Setback Potential Amendment Explanation

Currently, the City of Sturgeon Bay does not have a general separation requirement between a driveway or parking area and a lot line. Driveways and parking areas can go right up to the property line along the side and rear yards.

Previously, back in 2010, the Commission considered this issue. The Plan Commission determined that a general setback requirement was not necessary, but recommended that there should be a requirement for new driveways serving large parking areas for 20 or more cars to be located at least 10 feet from any adjoining residential property lines. That provision was adopted by the Council, but there still is no general setback requirement for side and rear lot lines.

From advisement by the Plan Commission, staff has reviewed options for amending the driveway setback code. When considering changing this code there are three areas that need to be considered:

- Who to regulate? Staff believes you can regulate all districts but this could increase the amount of variances needed from multiple-family and commercial districts. Another option is to apply the code to all residential districts but there is less need to regulate multiple-family dwellings that already must go through the site plan review process. Staff believes the best option would be to only require setbacks for driveways serving single-family and two-family residential districts which would minimize the chance for unnecessary hardship and let the site plan review process handle the driveways serving multiple-family residential and nonresidential uses.
- What is the setback? Staff believes the categorized setback is the best because there is little room for interpretation and the maximum setback is 5 which conforms to the accessory building setback code. Another option is to calculate setback based on percentage of the lot width, but a max setback is required. There is also the option to have a simple set value.
- Are there Exemptions? There are some scenarios where neighbors share a driveway but in that case a driveway agreement with a recorded easement should be required in order to avoid future problems. Otherwise, don't have any exemptions.

The Plan Commission can decide to act on the amendment without any changes, act on the amendment with changes or not act on this amendment/drop the issue.

Potential Amendment for Driveway Setback

8.03 - Construction of driveways.

- (1) *Permit required.* No person shall construct any driveway that connects to or is within the city street right of way without first obtaining a permit for such construction from the city engineer.
- (2) *Application for permit.* The application for such permit shall have attached to it a diagram or plat showing the dimensions of the lot, the location and width of the proposed driveway, the surface material of the driveway, the location of buildings or other improvements serviced by such driveway, the location of existing driveways on the lot or within 25 feet of the lot, and such other information as the city engineer shall require.
- (3) *Construction specifics.* Construction of driveways must be designed and constructed in a manner that it will not cause any damage to the city infrastructure nor create any hazard to the public.
 - (a) Precision curb cuts are required from the back side of the curb to the flow line with an 18 inch taper on each end, or curbing can be removed and replaced at the discretion of the city engineer.
 - (b) If the proposed driveway crosses a city sidewalk, a six-inch thick concrete apron is required between the curb and sidewalk. In addition, any portion of the sidewalk that is less than six inches thick that is crossed by the driveway shall be removed and replaced with a six-inch thick sidewalk.
 - (c) If the proposed driveway does not cross a city sidewalk, a five-foot, six-inch wide driveway apron is required which shall consist of six-inch thick concrete or two and one-half-inch thick asphalt. The apron shall be graded to match the top of the curbing at the furthest point from the curbing. Gravel aprons are not permitted along city streets with curbing.
 - (d) If the proposed driveway is on a street that does not have curbing, only an asphalt or gravel surface is permitted within the city right of way.
- (4) *Discretion of city engineer.* In reviewing applications for driveway permits, the city engineer shall consider factors including site distance along curves and hills, steep grades where the driveway meets the street, impacts on stormwater flow, coordination with adjacent driveways, and other traffic safety factors. Where the location of a proposed driveway unnecessarily creates a traffic hazard or stormwater problem, the city engineer may require such proposed driveway to be relocated to some other portion of the premises or place conditions needed to prevent such traffic hazard or stormwater problem.
- (5) *Limitation on width.* In no event shall the city engineer issue a driveway permit for any driveway with a greater proposed width than 35 feet at the curb. In granting permits for driveways leading to places of business, the city engineer shall restrict the width of driveways as much as possible consistent with the business needs of the occupant of the premises.
- (6) *Safety zone required.* Where a place of business is serviced by two or more driveways leading from the same street, the driveways shall be constructed at least eight feet apart at the sidewalk; the space between the two driveways shall be known as a "safety zone," and when the lot side of the safety zone adjoins a loading platform or driveway used for vehicular travel it shall be separated from the loading platform or driveway by a curb which shall be constructed on the lot line; all driveways shall be constructed at the same level as the sidewalks which they cross.
- (7) *Distance from crosswalk or building.* No driveway shall hereafter be constructed within four feet of the regular street crosswalk at intersections or within four feet of a building where it abuts the sidewalk.
- (8) *Setback for driveways serving large parking areas.* An access driveway that serves a parking area for 20 or more vehicles shall be located at least ten feet from any adjoining lot containing a residential principal use or from any adjoining vacant lot within a residential zoning district.
- (9) *Setbacks for side and rear lot lines:* Access driveway serving Item 1 district(s) shall be setback Item 2 except Item 3.

(Code 1992, § 8.03; Ord. No. 1252-0610, § 1, 6-1-10; Ord. No. 1333-0617, § 1, 6-6-17)

Item 1: Who is being regulated?

Options:

- ☆ 1. Single-Family and Two-Family
- 2. Residential Districts
- 3. All Districts

Item 2: What is the setback?

Options:

- ☆ 1. Table 8.1: Categorized Setback.

Driveway Setbacks	
Lot Width (ft.)	Side and Rear Setback (ft.)
<70	1
≥70 and ≤85	3
>85	5

- 2. Percentage of lot width (i.e. 4% of the lot width rounded to the nearest whole value) Maximum of 5 Feet.
- 3. One set value (i.e. 2 feet).

Item 3: Are there exemptions?

Options:

- ☆ 1. Shared driveways and parking area are allowed provided all affected property owners submit a written agreement and execute a recorded easement.
- 2. None.